

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION
Honorable Edward J. Davila
Courtroom 4 - 5th Floor**

**TITLE: *UNITED STATES v. RAMESH SUNNY BALWANI*
CASE NUMBER: 5:18-CR-00258-2 EJD**

Minute Order and Trial Log

Date: May 13, 2022

Time in Court: (9:07-10:38 AM; 11:10 AM – 12:59 PM; 1:34-4:11 PM)

TOTAL Time: 5 hrs, 57 min

Courtroom Deputy Clerk: Cheré Robinson

Court Reporter: Irene Rodriguez

APPEARANCES:

Plaintiff Attorney(s) present: Jeffrey Schenk, Robert Leach, John Bostic, Kelly Volkar

Also present: Special Agent - Chris McCollow

Paralegals – Maddi Wachs; Sara Slattery

Defendant Attorney(s) present: Jeffrey Coopersmith, Amy Walsh, Stephen Cazares, Aaron Brecher, Amanda McDowell, Shawn Estrada, Sachi Schuricht, Serena Nichols

Also present: Paralegal – Jennifer Cygnor

Also present: Ramesh Sunny Balwani (out-of-custody)

PROCEEDINGS:

Motion Hearing: 34 min (2:00-2:34 PM)

Court holds hearing on [1434] Defendant's Motion to Limit Testimony of Patient B.G.

Argument of Counsel heard

Jury Trial (Day 29): 5 hrs, 23 min (9:07-10:38 AM; 11:10 AM – 12:59 PM; 1:34-2:00; 2:34-4:11 PM)

Jury Trial held May 13, 2022. Testimony held and evidence entered.

Further Jury Trial set for May 17, 2022, at 9:00 AM.

See attached Trial Log.

The following exhibits were identified and offered:

Plaintiffs: 5095, 5132, 5143, 5144, 5444, 5447, 7366, 5837, 5836, 1770, 12022, 1805, 5410, 2044, 3305, 5411, 5184, 2083, 5412

Defendants: 20033, 20651, 20698, 3530, 12604, 4242, 20071, 20073, 20074

The following exhibits are admitted into evidence:

Plaintiffs: 5095, 5132, 5143, 5144, 5444, 5447, 7366, 5837, 5836, 1770

Defendants: 20033, 20651, 20698, 3530, 12604, 4242, 20071, 20073, 20074

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

HONORABLE EDWARD J. DAVILA

Case Name: *United States v. Ramesh Sunny Balwani*
Case No: 5:18-CR-00258-2 EJD

TRIAL LOG

TRIAL DATE: May 13, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		9:06 am	Jury present
		9:07 am	Court in session in presence of Jury
			Court queries Jury re previous admonishment
		9:08 am	Witness #16 Lynette Sawyer returns and takes stand
		9:09 am	Defense begins cross-examination of Lynette Sawyer
		9:10 am	Ex. 1113, previously admitted
		9:12 am	Ex. 5805, previously admitted
		9:15 am	20575, previously admitted
		9:16 am	10526, previously admitted
	20033	9:18 am	ADMITTED into Evidence: 2015-05-05 Theranos Standard Operating Procedure, CLIA Laboratory, Hemoglobin A1C (HBA1C) Automated Pretreatment Method (A1C) IN Whole Blood on the ADVIA 1800 and 2400 Chemistry Systems, Document Number CL-SOP-09100
	20651	9:19 am	ADMITTED into Evidence: 2015-05-05 Theranos Standard Operating Procedure, CLIA Laboratory, Theranos LIS Application User Guide, Document Number CL-SOP-05049
		9:26 am	Defense completes cross-examination of Lynette Sawyer
			Government begins re-direct examination of Lynette Sawyer
		9:28 am	Government completes re-direct examination of Lynette Sawyer
		9:29 am	Defense begins re-cross-examination of Lynette Sawyer

TRIAL DATE: May 13, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		9:30 am	Defense complete re-cross-examination of Lynette Sawyer
			Witness#16 Lynette Sawyer excused
		9:31 am	Government calls Christopher Lucas to testify
		9:32 am	Witness #17 Christopher Lucas sworn and takes the stand
			Government begins direct examination of Christopher Lucas
5095		9:49 am	ADMITTED into Evidence: 2013-07-30 Theranos Email to Shareholders re Theranos (consumer launch)
		9:51 am	Ex. 1102, previously admitted
		9:52 am	Ex. 1106, previously admitted
5132	Obj	9:57 am	Offered into Evidence
		9:59 am	ADMITTED into Evidence (not offered for the truth of the matter, but only as to conversation between witness and Ms. Holmes and notice): Oct-Nov 2013 Hagen/Lucas/Holmes Email String re Meeting with Elizabeth
5143		10:03 am	ADMITTED into Evidence: Dec 2013 Theranos/Lucas Email String re Theranos Stockholder Consents for your Signature by this Wednesday 12/18/13, and attachment – Theranos, Inc. Amended and Restated Certificate of Incorporation; Theranos, Inc. Amended and Restated Investors' Right Agreement; Theranos, Inc. Amended and Restated Series C-1 Preferred Stock Purchase Agreement
5144		10:07 am	ADMITTED into Evidence: Dec 2013 Theranos/Lucas/Quintana/Holmes Email String re Theranos Stockholder Consents for your Signature by this Wednesday 12/18/13, and attachments – Signature Pages
5444		10:11 am	ADMITTED into Evidence: Dec 2013 Lucas/Holmes Email String re BDV Investment
5447		10:16 am	ADMITTED into Evidence: Dec 2013 Theranos/Lucas/Quintana/Yam Email String re Theranos Stockholder/Black Diamond Ventures' Participation in Series C-1 Stock Financing, and attachment – Master Signature Page

TRIAL DATE: May 13, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
7366		10:18 am	ADMITTED into Evidence (pp. 2-69 only): 2013-12-29 Quintana Email to BD Investors re *IMPORTANT UPDATE PLEASE REIVE*BDV XII-B, LLC / Theranos Series C-1 Stock, and attachments – BDV Cover Letter re Acknowledgement (12-29-13).pdf; BDV XII-B Exhibit A to Letter re_ Theranos (A12-29-13).pdf; Black Diamond Ventures XII-B LLC – Operating Agreement.pdf; Black Diamond Ventures XII-B LLC -Subscription Agreement.pdf
5837		10:28 am	ADMITTED into Evidence: Dec 2013 Theranos/Quintana/Balwani/ Holmes Email String re Theranos Stockholder Consents for your Signature by this Wednesday 12/18/2013
5836		10:30 am	ADMITTED into Evidence: Dec 2013 Holmes/Lucas/Quintana/ Theranos/Balwani Email String re Theranos Stockholder / Black Diamond Ventures' Participation in Series C-1 Stock Financing
1770		10:37 am	ADMITTED into Evidence: 2014-06-12 Theranos Email to Shareholders re Theranos (sharing Fortune magazine cover story)
		10:38 am	Government completes direct examination of Christopher Lucas
			Court breaks for 32 minutes
		10:10 am	Jury and witness Christopher Lucas return to Courtroom
			Court in session in presence of Jury and witness
			Defense begins cross-examination of Christopher Lucas
		11:46 am	Ex. 20432, previously admitted
		11:57 am	Ex. 20553, previously admitted
	20698	12:00 pm	ADMITTED into Evidence: 2006-02-03 Theranos, Inc. Investors' Rights Agreement
		12:03 pm	Ex. 1387, previously admitted
		12:20 pm	Ex. 1770, previously admitted
		12:27 pm	Ex. 7366, previously admitted
	3530	12:45 pm	ADMITTED into Evidence (p. 25): Master Signature Page (C. Lucas) to previously admitted Ex. 3530

TRIAL DATE: May 13, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
	12604	12:56 pm	ADMITTED into Evidence: Apr 2014 Quintna/Lucas/Lynch Email String re BDV XII, LLC Theranos Appoints William H. Frist, M.D., to its Board of Directors
		12:58 pm	Defense completes cross-examination of Christopher Lucas
		12:59 pm	Court breaks for 35 minutes
		1:34 pm	Jury and witness Christopher Lucas present
		1:36 pm	Court in session in presence of Jury and witness Christopher Lucas
			Government begins re-direct examination of Christopher Lucas
12022		1:42 pm	Offered into Evidence - pp. 1-5 and 26 only (email, ppt cover page and p. 26 slide)
		1:45 pm	ADMITTED into Evidence (pp. 1-5 and 26 only): 2005-12-22 Holmes Email to Lucas re Great to meet you!!!, and attachment: 12-22-2005 Theranos Redefining Healthcare.ppt
		1:55 pm	Government completes re-direct examination of Christopher Lucas
			Defense begins re-cross-examination of Christopher Lucas
		1:57 pm	Ex. 12022, p. 26 (p. 22 of presentation), previously admitted
		1:59 pm	Defense completes re-cross-examination of Christopher Lucas
			Witness #17 Christopher Lucas excused
		2:00 pm	Jury departs Courtroom
			Court in session with Counsel out of presence of Jury and witnesses
		2:01 pm	Court holds hearing on [1434] Defendant's Motion to Limit Testimony of Patient B.G.
			Argument of Counsel heard
		2:34 pm	Jury returns to Courtroom
			Government calls Audra Zachman
		2:35 pm	Witness #18 Audra Zachman sworn and takes the stand

TRIAL DATE: May 13, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
			Government begins
1805		2:40 pm	ADMITTED into Evidence: Jun 2014 Zachman/Schapler Email String re theranos
5410		2:50 pm	ADMITTED into Evidence: Quest Diagnostics Lab Report re 09/30/2014 Blood draw
2044		2:51 pm	ADMITTED into Evidence: Theranos Lab Report re 10/2/2014 Blood Draw
3305		2:53 pm	ADMITTED into Evidence: Quest Dianostics Lab Result Report re 10/6/2014 Blood Draw
5411		2:54 pm	ADMITTED into Evidence: Quest diagnostics Lab Result re 10/8/2014 Blood Draw
		2:59 pm	Audra Zachman qualified as expert witness re HCG testing under Fed. R. Evid. 702
		3:01 pm	Displayed – Demonstrative – Brittany Gould HCG Results
5184	Obj	3:09 pm	ADMITTED into Evidence: Oct 2014 Theranos Email String re Partials list tonight
2083		3:12 pm	ADMITTED into Evidence: 2014-10-14 Neville Email to Zachman re Checking Back
5412		3:13 pm	ADMITTED into Evidence: 2014-10-22 C. Holmes Email to Zachman re Theranos – following up
		3:17 pm	Government completes direct examination of Audra Zachman
		3:18 pm	Defense begins cross-examination of Audra Zachman
		3:20 pm	Ex. 5184, previously admitted
		3:22 pm	Ex. 2083, previously admitted
			Ex. 5412, previously admitted
		3:24 pm	Ex. 2044 previously admitted
			Displayed Demonstrative – calendar of BG Blood Draws

TRIAL DATE: May 13, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
	4242	3:27 pm	ADMITTED into Evidence: Theranos Lab Test Result for 10/4/2014 Blood Draw
	20071	3:31 pm	ADMITTED into Evidence: 2015-10-04 Riley Email re Theranos Electronic Orders and Results
Obj	20073	3:34 pm	Offered into Evidence
			Further foundation to be set
Obj	20073	3:36 pm	Offered into Evidence
			Further foundation to be set
Obj		3:39 pm	Offered into Evidence
			Objection Sustained as to pages without dates
	20074	3:45 pm	ADMITTED into Evidence: Jan 2021 Zachman/Scavdis Email String re Theranos
		3:47 pm	Defense completes cross-examination of Audra Zachman
		3:48 pm	Government begins re-direct of Audra Zachman
		3:51 pm	Ex. 4533, previously admitted
			Ex. 4520, previously admitted
		3:54 pm	Government completes re-direct of Audra Zachman
			Defense begins re-cross-examination of Audra Zachman
			Defense completes re-cross examination of Audra Zachman
		3:57 pm	Government calls Brittany Gould to the stand
		3:58 pm	Witness #19 Brittany Gould sworn and takes the stand
			Government begins direct examination of Brittany Gould
		4:02 pm	Ex. 5410, previously admitted
		4:03 pm	Ex. 2044, previously admitted

TRIAL DATE: May 13, 2022		REPORTER: Irene Rodriguez	CLERK: Cheré Robinson
PLF	DEFT	TIME	DESCRIPTION
		4:06 pm	Ex. 3305, previously admitted
		4:07 pm	Ex. 5411, previously admitted
		4:08	Government completes direct examination of Brittany Gould
			Defense has no cross-examination of Brittany Gould
			Witness #18 Brittany Gould excused and departs Courtroom
		4:09 pm	Court admonishes Jury
		4:10 pm	Jury departs Courtroom
		4:11 pm	Court adjourns
			Jury Trial continued to May 17, 2022, at 9:00 AM